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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204296
Party	Defendant Sparkle Life LLC
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Submission	Opposition/Response to Motion
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Date	10/29/2012
Attachments	ResponsetoMotionCompel.pdf (4 pages)(187186 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

JJI INTERNATIONAL, INC.

Opposer

vs.

SPARKLE LIFE, LLC

Applicant

Appl. Ser. No.: 85356064

Opposition: 91204296

Applicant's Response to Opposer's Motion to Compel Initial Disclosures

This response is submitted respecting Opposer's Motion to Compel Initial Disclosures filed by Opposer on October 16, 2012. Opposer's motion should be denied because Applicant has made appropriate required disclosure to Opposer and Opposer's motion is unnecessary.

Applicant submitted an Initial Disclosures document on June 22, 2012 which listed no witnesses, documents or other things [Exhibit A]. This was appropriate because, based on Opposer's allegations and Applicant's answer, Applicant believes that Applicant need not, and therefore has no intention to, use any witness, document or other thing to support its position and gain registration. Opposer has initiated this opposition and has the burden of establishing the basis for the refusal of Applicant's registration. Applicant is not required to submit evidence, and believes such is not necessary to prevail and gain registration.

Pursuant to Fed. R. Civ. P. 26(a)(1), a party is not obligated to disclose the name of every witness, document or thing that may have or contain discoverable information about its claim or defense, but merely the witnesses, documents and things having or containing discoverable "information that the *disclosing party may use* to support its claims or defenses." Applicant is not required to submit identification of witnesses or documents that it has no intention of relying on. Therefore, under the circumstances, to identify any source of information would be to mislead Opposer and potentially increase the duration and complexity of this matter.

Applicant does not intend to impede Opposer's discovery and will timely respond to all discovery requests received.

Opposer has had several months to act on this matter including requesting discovery. However, Opposer has chosen to not take discovery until this late date and now attempts to gain additional time through this action. At this late time in the discovery schedule, Opposer's motion now only unreasonable and unnecessarily delays this proceeding.

For the above reasons, Opposer's motion to Compel should be denied.

Respectfully,



Sven W. Hanson Date October 29, 2012
Attorney for Applicant
Reg. No. 36,546
352-375-0082
PO Box 357429
Gainesville, FL 32635-7429

CERTIFICATE OF SERVICE

I hereby certify that the above **Applicant's Response to Opposer's Motion to Compel Initial Disclosures** has been served upon the Opposer by transmitting a copy of the document by first class mail to: Craig M. Scott; Scott & Bush Ltd.; One Turks Head Place, 4th Floor; Providence, RI 02903 on October 29, 2012.



Sven W. Hanson date October 29, 2012

Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

JJI INTERNATIONAL, INC.

Opposer

vs.

SPARKLE LIFE, LLC

Applicant

Appl. Ser. No.: 85356064

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Initial Disclosures

Applicant, Sparkle Life LLC, states that Applicant has no knowledge of any documents or individuals or any other sources of factual information that Applicant has in its possession or control and that Applicant might rely on in to support Applicant's assertions or defenses. This statement is based on the scope of Opposers Complaint, and Applicant will supplement this Initial Disclosure as appropriate based on any future actions or statement of Opposer.

Respectfully,

____/sven w hanson 36546/____

Sven W. Hanson
Attorney for Applicant
Reg. No. 36,546
352-375-0082

Date: June 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above **Initial Disclosure** has been served upon the Registrant's Attorney of Record, by postage prepaid first class mail addressed to Craig M. Scott, Esq.; SCOTT & BUSH LTD.; 30 Kennedy Plaza, 4th Floor; Providence, RI 02903; and copied to email cscott@scottbushlaw.com on June 22, 2012.

____/sven w hanson 36546/____

Sven W. Hanson date 6/22/2012